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Federal Communications Commission
Office of the Secretary, Room 222
1919 M Street N.W.
Washington, D.C. 20554

Re: WT Docket No. 96-198, in the matter of the
implementation of Section 255 of the
Telecommunications Act of 1996

The following comments on Section 255 come from an officer of the Delaware Association of the Deaf, who has been profoundly deaf from spinal meningitis most all of his life. I have no background in technology, nor am I an expert on any form of this techno-graphic stuff!

But we do want to share with the FCC how telecommunications access has made a difference in our lives across the years, and certainly in the lives of other hearing impaired Americans whose numbers have been estimated at between 25,000,000 and 30,000,000.

We depend heavily on TTY's (teletype phones), captioned TV and movies (where captions are rarely available, except for the subtitles on foreign movies), alerting lights for our doorbells, phones, and smoke detectors, so obviously telecommunications has an extremely crucial impact on the lives of hearing impaired people. When we get a "no-dial tone" response on our TTY, we're certainly out of luck!

The advent of captioned television was a godsend. But we continue to have problems and frustrations. Reports on the Weather Channel are not captioned. On local channels commentators turn to voice in the midst of important weather reports, including information on tornado, hurricane, and other storm warnings. Being alerted to this is especially critical out here on the Eastern Shore of Delaware as we are located on a thin strip of land between the ocean and Indian River Bay and are particularly susceptible to ocean coastal storms, heavy winds, and especially salt-water flooding.

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While an increasing number of prime time programs are becoming captioned, still most TV programs and especially movie re-runs continue to be uncaptioned. This is particularly the case with movies daytime and late evening movies. Such auditory channels continue to be inaccessible to the deaf world.

One of the most serious problems with TTY's (teletype phones), is the lack of information and publicity to the general public about relay services. We continue to receive innumerable voice calls which of course we don't hear, and to which we are unable to respond. Phone companies need to make telephone relay services more widely known, including advice on what to do when a clicking sound is heard over the phone.

Access Board Guidelines

As we understand it, the FCC has complete authority over enforcement of Section 255. We believe the FCC should adopt the full Access Board guidelines as presently finalized, but which are now only advisory. We believe the expertise of members of the Access Board should be recognized and that their recommendations be given credence.

Simply put, all products and services in the area of telecommunications should be fully accessible to all disabled people. FCC guidelines should be clear about the obligations of manufacturers and service providers to make their products and services fully accessible. All too often this is overlooked in the area of deafness.

After all, this is America, where standards of living are highly touted. But in some countries, particularly in Scandinavia, the deaf community appears to have more access than we do. The Delaware Association of the Deaf strongly recommends insofar as is possible, and hopefully with the concurrence and understanding of industry and other publics, the FCC should adopt these guidelines in full.

"Readily Accessible"

Apparently in your proposed rules, the FCC has defined "readily accessible" quite differently from the ADA (Americans with Disabilities Act) definition. We question the advisability of the concept that industry be allowed to recover the costs of providing access to the extent to which they will be able to market an accessible product. We do not believe the recovery of the cost of providing access is permitted under the ADA legislation.

Actually, with regard to people with hearing losses, increasing accessibility in motels, hotels, on TV, and in other products or services isn't all that expensive, and would certainly also be cost-effective if carefully programmed. Compared to the need to enlarge bathroom facilities, erect ramps, add elevators, and so forth for some disabled people groups, it is relatively inexpensive to meet accessibility requirements for an individual with a hearing impairment. TTY's are a one-time purchase and not at all expensive, and since TV sets built after 1993 are required by law to have built-in decoders, that becomes less and less of a problem. Yet at some motels and hotels we still come upon older TV sets without closed captioning. Although industry continues to scream about the cost of closed captioning, particularly real-time captioning, we believe the FCC should follow the definition of "readily accessible" given in the ADA law.

Some examples: Because of the low density of the deaf population, personnel in many motels and hotels continue to be unaware and ignorant of the mandates of ADA (the Americans with Disabilities Act), particularly as it relates to accessibility for people with sensory disabilities involving hearing and vision. All too frequently my wife and I are told at a motel that they "never heard of such things as captioned TV" or that we may be the first deaf persons to show up at their desk!

So it comes as a pleasant surprise when we come upon such rare incidents as just a couple of weeks ago when we checked into the Chestnut Hills Hotel on Germantown Avenue in Philadelphia and were handed a TTY (teletype phone), and were assured that our TV set was close-captioned.

Such access makes a world of difference for deaf people and assures a measure of communication equality long absent in our lives. These things most people take for granted.

Enhanced Services

Although the FCC states that "enhanced telecommunication services" are not basic, and therefore not covered by Section 255, continuing innovations in telecommunications such as for example the "picture or video phone" will become commonplace in no time. In fact, in today's rapidly evolving technology, there's no such thing as "basic"! The FCC needs to understand that tomorrow is rapidly becoming yesterday!

What proof does FCC require of industry if they maintain costs are excessive? What kind of guidance is provided by the FCC? "Technical feasibility" should not be a problem for communication access for people with hearing losses. Encourage industry to

communicate directly with disabled groups, in our situation:

The National Association of the Deaf, 814 Thayer Avenue, Silver Spring, Maryland 20910-4500, Phone 301 587 1788, which could be called in as a consultant since they have legal experts on telecommunications.

Another important source of contact would be Gallaudet University, Technology Assessment Program, 800 Florida Avenue N.E., Washington, DC 20002, Phone 202-651-5257.

Complaint Process/Enforcement

Since one cannot appeal to the courts, the FCC needs to re-examine its enforcement provisions for implementation of Section 255. To attempt an informal case-by-case process achieves very little in terms of accessibility for a group as a whole. Each case should become a "class-oriented" process so that the problem is addressed for everyone, not on an isolated case-by-case applying to just a single individual. Time frame is also important and action should be as immediate as possible.

Does the Telecommunications Act provide for any "teeth" or penalties for those refusing to comply with accessibility recommendations or requirements? Temporary suspension of a license to do business? Fines?

Need for Information Sharing and Publicity

Another problem is that although more and more state and federal agencies, stores, airlines, and others have declared themselves accessible with TTY's and broadcasted their TTY phone numbers, the deaf population is so small that use is very minimal -- which means often that a call is simply ignored or a message comes across saying your call will be returned in due time -- which could be forever! The FCC needs to publicize this important access for deaf people, provide information and guidance to industry, especially the smaller hotels and motels which are not part of a chain.

People apparently do not realize that deaf people don't hear a knock on their door, rarely ask for "wake-up" calls, cannot order room service, cannot call the hotel desk unless a TTY is available both in the room and at the registration or whatever desk.

The Delaware Association of the Deaf thanks you for the opportunity to share these concerns about Section 255 and urges the FCC to take appropriate steps to ensure full realization of accessibility for all deaf and other disabled people.

